

U.S. District Court for the District of Utah

Alternative Dispute Resolution Program

For the benefit of the public and the bar, the District of Utah offers two alternatives to litigation for dispute resolution assistance in all civil cases and bankruptcy adversary proceedings. These alternative dispute resolution (“ADR”) options are: arbitration and mediation. The court offers these alternatives because, when compared with litigation in appropriate cases, they can resolve disputes faster, at less expense, and with solutions that are better able to meet the parties underlying needs and interests.

ARBITRATION

Arbitration is a private, formal, voluntary dispute resolution process conducted by an impartial third person, the arbitrator, who hears the case and determines what award, if any, should be made. In arbitration, the standards regarding evidence, discovery and civil procedures are relaxed to varying degrees determined by the arbitrator in consultation with the parties.

MEDIATION

Mediation is an informal, confidential process in which a neutral third person, the mediator, assists the parties to reach a mutually agreeable settlement. The mediator does not rule on issues or impose a settlement. Instead, the mediator helps the parties to improve communication, clarify interests and examine the strength and weaknesses of each party’s positions. Also, the mediator can identify areas of agreement and help the parties to propose and evaluate options.

What rules govern the ADR Program? DUCivR 16-2 and the ADR Plan govern the ADR Program.

How do I get my case into an ADR process? Parties may request arbitration or mediation by filing a Motion of Referral to ADR (In CM/ECF, choose Motion for ADR) along with a proposed order. The assigned judge may also order a case into mediation on the judge’s own motion. **Parties are encouraged to contact Michelle Roybal, the ADR Administrator, (801) 524-6128, to have an order drafted for your case or to discuss referral. Parties are encouraged to contact Ms. Roybal as well to inform the ADR Program of a time when ADR could be more useful and the Program will follow up.**

When can I get my case into an ADR process? A case may be referred to ADR at any time.

What litigation deadlines are affected by an order referring a case to ADR? The formal discovery process is stayed by an order referring a case to ADR pursuant to DUCivR 16-2(f). Parties may stipulate to conduct some discovery even after the case is referred. Unless otherwise ordered by the assigned judge, all other pretrial deadlines or hearings remain in effect.

What costs are required to participate in the ADR Program? Court appointed arbitrators and mediators collect \$100.00 for each hour spent in an ADR conference. Unless the parties agree otherwise, the compensation fee is split evenly between the parties. Parties who are unable to pay their portion of the compensation fee may motion the court to waive their portion of the fee.

How can I obtain more information about the Court’s ADR Program? Visit the Court’s website at www.utd.uscourts.gov which contains information about the court’s ADR Program, including the local rule, the ADR Plan, sample forms and the rosters of arbitrators and mediators. Parties may also contact the ADR Administrator, Michelle Roybal, at (801) 524-6128.